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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,981	04/20/2001	David S. Haining	10003829-1	1239

7590 03/24/2005

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EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,981

Applicant(s)

HAINING, DAVID S.

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/20/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/17/2005</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,6,78,12-14,16 are rejected under 35 U.S.C. 102(e) as being anticipated by Battaglia et al (US 6,658,202).

Considering claim 1, which is representative of claims 7,13,Battaglia discloses a portable picture storage device comprising: an input for receiving a plurality of pictures (Col 2 Lines 22-37); a storage area for storing the plurality of pictures (Col 2 Lines 31-45); and a plurality of user interface indicators 16,18, wherein each indicator is associated with a respective meta data of a plurality of meta data, and each meta date indicates at least one disposition of a plurality of dispositions (Col 3 Lines 13-24); wherein at least one picture of the plurality of pictures, via activation of an indicator, is associated with a meta data and thereby at least one disposition (Col 6 Lines 57-67;Col 7 Lines 24-50).

Regarding claim 2, which is representative of claims 8,14,Battaglia teaches wherein the one picture is associated with the meta data during storage into the device (Col 2 Lines 22-45).

Considering claim 6, which is representative of claims 12,16, Battaglia discloses wherein the device is coupled to a computer system, which receives the one picture, and

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processes the one picture according to the meta data associated with the one picture (Col 3 Lines 13-26).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,9,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battaglia et al '202 in view of Frey et al (US 6,369,908).

With respect to Claim 3, which is representative of claims 9,15, Battaglia discloses a portable picture storage device as discussed above.

Battaglia does not disclose expressly wherein at least one disposition is selected from the group consisting of printing, storing to another storage area, e-mailing to a recipient, image processing, and deleting.

Frey discloses wherein at least one disposition is selected from the group consisting of printing, storing to another storage area, e-mailing to a recipient, image processing, and deleting (Col 3 Lines 43-54; Col 5 lines 10-12; Fig 2; Col 1 Lines 38-46).

Battaglia & Frey are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Frey with Battaglia.

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The suggestion/motivation for doing so would have been to provide disposition options.

Therefore, it would have been obvious to combine Battaglia with Frey to obtain the invention as specified in claims 3,9,15.

5. Claims 4,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battaglia '202 in view of Aizawa et al (US 5,539,535).

With respect to claim 4, which is representative of claim 10, Battaglia discloses a portable picture storage device as discussed above.

Battaglia does not disclose expressly wherein the device is a camera and the input is a lens imaging system.

Aizawa discloses wherein the device is a camera and the input is a lens imaging system (Col 27 Lines 39-44).

Battaglia & Aizawa are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Aizawa with Battaglia.

The suggestion/motivation for doing so would have been to provide task-assigning options such as recording images.

Therefore, it would have been obvious to combine with Battaglia with Aizawa to obtain the invention as specified in claims 4,10.

6. Claims 5,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battaglia '202 in view of Hou (US 6,054,707).

Battaglia discloses the portable picture storage device as discussed above.

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Battaglia does not disclose expressly wherein the device is a scanner and the input is a scanning mechanism.

Hou discloses a scanner wherein the input is a scanning mechanism (Fig 1; Col 3 Lines 31-41).

Battaglia & Hou are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Hou with Battaglia.

The suggestion/motivation for doing so would have been to provide task-assigning options for scanning pictures.

Therefore, it would have been obvious to combine Battaglia with Hou to obtain the invention as specified in claims 5,11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2622

hdg



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